

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOEL PENA

Plaintiff,

-against-

ADIDAS AMERICA, INC.;
FOOTLOCKER STORES, INC.;
STOCKX, LLC; ET AL.

Defendants.

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No. 1:19-cv-09342 (RA) (OTW)

[PROPOSED] ORDER

ONA T. WANG, United States Magistrate Judge:

It is HEREBY ORDERED that

Robert G. Lopez shall appear for a virtual deposition on **January 12, 2021, beginning at 10:00 am**. Defendant adidas America, Inc. (“adidas”) shall take all reasonable measures to ensure that, no later than January 8, 2021, the court reporting service Veritext Legal Solutions (“Veritext”) provides Mr. Lopez, via email addressed to trademarkrob@gmail.com, with instructions on how to access Veritext’s virtual deposition software and the associated Exhibit Share software (collectively, the “Software”). Mr. Lopez shall work timely and in good faith with Veritext to set up and test his access to the Software.

If, after doing so, Mr. Lopez believes in good faith that, beyond his reasonable control, there exist any technical issues with the Software and/or Mr. Lopez’s access to the Software, then Mr. Lopez shall inform adidas of all such issues no later than January 11, 2021 at 1:00 pm, via email to adidas’s counsel of record. Mr. Lopez shall then work in good faith with adidas and Veritext to resolve any such issues prior to the beginning of the scheduled deposition, including by participating in telephone calls with adidas and Veritext on the afternoon of January 11 and the morning of January 12 prior to 10:00 am. The parties and Mr. Lopez are warned that failure

to comply with the foregoing or to act in good faith may result in the imposition of sanctions, including monetary sanctions, contempt of court, and the shifting of attorneys' fees and/or costs.

SO ORDERED.

Dated: December 18, 2020
New York, New York



Ona T. Wang
United States Magistrate Judge